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Case: 4:24-cv-01316-MTS Doc. #: 67 Filed: 10/25/24 Page: 1 of 4 PageID #: 277

OCT 25 2024

BY MAIL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION  
Case: 4:24-cv-01316-MTS

STATE OF MISSOURI,  
et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
EDUCATION, et al

Defendants.

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**ERWIN ROSENBERG'S MOTION TO ALTER OR AMEND PURSUANT TO  
RULE 59 OR 60 THE ORDER DENYING ROSENBERG'S MOTION TO  
INTERVENE AS OF RIGHT AND/OR PERMISSIVELY**

On September 20, 2024 Erwin Rosenberg filed a motion to intervene as of right an/or permissively. ECF 50.

On October 4, 2024 Defendants filed a response in opposition to the motion to intervene. ECF 58.

Local Rule 4.01(C) says "Within ten (10) days after being served with a memorandum in opposition, the moving party may file a reply memorandum. Additional memoranda may be filed by either party only with leave of Court."

Erwin Rosenberg is not egistrered to receive service via CM/ECF with this Court.

Federal Rule 6 (d) says "Additional Time After Certain Kinds of Service. When a party

may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a)."

Therefore Rosenberg had until October 17, 2024 to file a Reply.

However on October 15, 2024 this Court entered an order denying Rosenberg's motion to intervene. ECF 62.

The docket shows that Rosenberg's Reply was received on October 16, 2024. ECF 63.

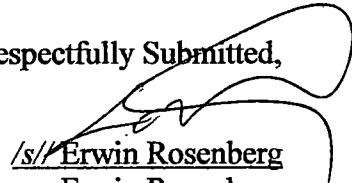
In addition, Defendants have filed a motion indicating this the venue may be incorrect. ECF 64.

Wherefore Erwin Rosenberg moves pursuant to Rule 59 or Rule 60 to alter or amend the order denying Rosenberg's motion to intervene.

CERTIFICATE OF SERVICE

I hereby certify I mailed this document to the Clerk on October 21, 2024 and it will be served upon filing via CM/ECF per Local Rule 2.12(A)

Respectfully Submitted,

  
/s/ Erwin Rosenberg

Erwin Rosenberg

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